

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA *ex rel.*;
SUZANNE ALT, *et al.*,

Plaintiffs,

v.

ANESTHESIA SERVICES ASSOCIATES,
PLLC, *et al.*,

Defendants.

Case No. 3:16-cv-0549;
Case No. 3:16-cv-0561;
Case No. 3:16-cv-1856;
Case No. 3:19-cv-0102;
Case No. 3:18-cv-0970
(consolidated)

JUDGE TRAUGER

**DEFENDANT PETER KROLL, M.D.'S PARTIAL MOTION TO DISMISS
THE CONSOLIDATED COMPLAINT IN INTERVENTION OF THE
UNITED STATES OF AMERICA AND THE STATE OF TENNESSEE**

Dr. Peter Kroll respectfully moves the Court under Federal Rules of Civil Procedure 12 and 9(b) to dismiss the claims in the Consolidated Complaint in Intervention filed by the United States of America and the State of Tennessee (together, “the government”) that are premised on allegations that Dr. Kroll violated the federal False Claims Act and Tennessee’s equivalent by submitting—or having knowledge that other doctors were submitting—false claims for: urine drug tests (“UDT”); genetic testing to determine the rates at which a patient metabolizes specific drugs; and psychological testing to evaluate a patient’s risk of addiction, depression, or suicidal thoughts.¹

In support of this motion, Dr. Kroll relies upon the accompanying memorandum.

WHEREFORE, Defendant Dr. Kroll requests that the Court enter an order dismissing the government’s aforementioned claims against him, with prejudice.

¹ That is, Counts I–III as they pertain to the government’s allegations of fraudulent schemes involving UDT, genetic testing under CPT code 81225, and psychological testing, and Counts I–IV to the extent they seek to impose vicarious liability on Dr. Kroll for allegedly fraudulent claims submitted by other CPS employees.

Respectfully submitted,

Dated: September 27, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a true and correct copy of the foregoing document to be filed via the Court's CM/ECF system, which will send notification of such filing to the following:

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